

COUNCIL OF EUROPE

COMMITTEE OF MINISTERS

RESOLUTION (74) 43

ON PRESS CONCENTRATIONS

*(Adopted by the Committee of Ministers on 16 December 1974
at the 240th meeting of the Ministers' Deputies)*

The Committee of Ministers,

1. Considering the need to ensure the implementation of the right to freedom of expression including that of freely receiving and imparting information guaranteed by Article 10 of the European Convention on Human Rights;
2. Believing that the existence of a large diversity of sources of news and views available to the general public is of capital importance in this respect;
3. Conscious of the special role of newspapers in ensuring such diversity of news and views available to the general public;
4. Sharing the concern frequently expressed as to the possible prejudice to the rights guaranteed by Article 10 of the European Convention on Human Rights as a result of a diminution in the total number of newspapers with their own complete editorial units, or of the concentration of the effective control of an increasing number of such newspapers in the same hands;
5. Convinced that such large diversity of news and views depends to no small degree on the existence of properly functioning competition within the press, whilst not denying however that in certain cases a move towards bigger enterprises could consolidate the economic situation of the press and improve its performance;
6. Conscious that a lasting freeze of the existing structure of the press could present a threat to press freedom and public choice;
7. Recognising that there are wide differences between the situations of the press in different member countries inter alia because of factors of geography, history, habits of thought and economic circumstances;
8. Believing however that there exist several possible forms of action open to the public authorities, including the different forms of aid - general, specific, or selective - as defined in Annex I of the report referred to below, which, if suitably

adapted, might in certain cases and for a certain time contribute towards some limitation or slowing down of the phenomenon of press concentration ;

9. Having regard to the report of the committee of experts accompanying this resolution,

Recommends the governments of member states to examine the following proposals in the light of their applicability, of which they (the governments of member states) remain the sole judge, to the circumstances prevailing in the member state concerned:

1. That certain measures of public aid to the press, if suitably adapted, could ensure within the limits indicated below, the survival of newspapers with their own complete editorial units threatened with disappearance or with being taken over as a result of financial difficulties;

2. That aid given in a selective form should be limited in time and in amount, should be granted on the basis of objective criteria, and should be confined in principle to newspapers whose difficulties can be eliminated by the assistance in question;

3. That, without prejudice to initiatives of which the governments of member states remain the sole judge having regard to the structure and the particular situation of the press in their country, assistance capable of fulfilling the objective referred to above would seem to be possible by means of measures such as:

- a. the institution of a press fund enabling less favourably placed newspapers to obtain subsidies or loans on particularly favourable terms with a view to developing their ability to compete on the market ;
- b. the grant of specific aids, for example those resulting from a modulation of the aids described in Chapter V of the accompanying report, designed to give assistance to certain categories of newspapers finding themselves in underprivileged situations and being forced to adapt themselves to changing structural circumstances ;

4. That governments already according economic assistance to the press in one form or another should review the structure of those existing arrangements with a view to avoiding any unintended and unforeseen *de facto* encouragement given thereby to the process of press concentration, nevertheless bearing in mind that, where already accorded, such assistance has become part of the climate in which the press lives and that any sudden diminution of such assistance might precipitate the closure or take-over of newspapers in a weak financial position ;

5. That, where governments dispose of statutory powers enabling them to forbid the take-over of a daily newspaper by a press group already controlling several other newspapers, and where it may clearly appear that a take-over of this sort would gravely threaten the liberty of expression and the right to information, the governments in question - if they do not already dispose of powers to give financial assistance to the newspaper whose take-over has been refused in the public interest - should take the necessary steps to provide themselves with powers enabling them in appropriate cases to accord such financial assistance ;

6. That governments encourage efforts to rationalise the methods of production and distribution of newspapers with a view to diminishing publishing costs

subject to the reservation that those newspapers least well placed in the market should equally be able to benefit from such efforts, and that, in the case of particular arrangements or technical co-operation agreements between different newspapers, the independence of each newspaper in question can be guaranteed and respected ;

7. That finally, governments stimulate efforts by the industry itself to find appropriate measures of adaptation to meet the difficulties the latter is facing - in particular by making the changes which are called for by the complementarity necessary with audio-visual media.